

This report will be made public on 18 January 2022



Report Number **FPPG/21/03**

To: Folkestone Parks and Pleasure Grounds Charity

Date: 26 January 2022

Responsible Officer: Susan Priest, Chief Executive

SUBJECT: ACCESS TO THE MEETINGS AND RELATED PAPERS RELATING TO FOLKESTONE PARKS AND PLEASURE GROUNDS

SUMMARY: This report provides an update on the working of the current rules governing access to the meetings and related papers of the Council when meeting as trustees of the Folkestone Parks and Pleasure Grounds Charity (FPPG).

RECOMMENDATIONS:

- 1. To receive and note report FPPG/21/03.**
- 2. To adopt the rules set out in appendix 1 of this report providing for access to the meetings of the Council as trustees and related papers on a permanent basis.**

1. BACKGROUND

- 1.1 On 16 October 2019 the charity considered report FPPG/19/03 relating to whether the papers / meetings of the charity should be open to the public. The trustees resolved:-

*“1. To receive and note report FPPG/19/03.
2. To agree to change the practices of the meetings of the Trustees.
3. To receive a further report on the necessary rules to implement the change.”*

- 1.2 A further report was then presented to the FPPG charity on 22nd January 2020 which set out the proposed rules to implement the changes. The trustees resolved : -

*1. That report FPPG/19/03 be received and noted.
2. That the rules set out in appendix 1 of the report providing for access to the meetings of the Council as trustee and related papers be adopted.
3. That the workings of the rules be reviewed after one year.*

2. CURRENT POSITION

- 2.1 The rules as set out in report FPPG/19/03 have been in place since January 2020 and it was agreed that the rules be reviewed after one year of operation (i.e. Jan 2021)

- 2.2 However, as a result of the pandemic it was not possible to carry out a review in January 2021 because the FPPG trustees had not met. Therefore it was not possible to review and assess the implementation of the new rules.

- 2.3 Since the implementation of the rules the FPPG trustees have met on the following dates: -

20 January 2021
24 June 2021

- 2.4 It is recommended to the Trustees that the rules, attached to appendix 1, be adopted on a permanent basis.

- 2.5 The rules largely mirror the access to information rules governing the publication of Council agendas and attendance at meetings. The implementation of the rules allow for transparency and openness which is a stated priority of the Council and the Trustees.

- 2.6 Not all of the categories of exempt information however are relevant to the work of the trustees, and consequently it is suggested that the following rule be adopted for exclusion of the public:-

“Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from

part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion."

3. RISK MANAGEMENT ISSUES

3.1 No perceived risks

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (NE)

The governing documents of the charity are silent in relation to the manner of trustee meetings. The Charities Commission for England and Wales has useful guidance notes (CC48) which contains details on the law and good practice in relation to charities and meetings. The contents of the report do not appear to conflict with the guidance and the Charities Acts and therefore there are no legal implications arising directly from the report.

4.2 Finance Officer's Comments (LW)

There are no financial issues arising directly from this report.

4.3 Diversities and Equalities Implications (JW)

No diversities and equalities implications

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Jemma West
Telephone: 01303853369
Email: Jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1: Proposed rules relating to access to the meetings of the Folkestone Parks and Pleasure Grounds Charity

ACCESS TO THE MEETINGS OF FOLKESTONE PARKS AND PLEASURE GROUNDS CHARITY

1. RIGHTS TO ATTEND MEETINGS

- 1.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.

2. NOTICE OF MEETINGS

- 2.1 The Charity will give at least 5 clear days' notice of any meeting by posting details of the meeting at the Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY and on the Council's website.

3. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 3.1 The Charity will make copies of the agenda and reports which are open to the public available for inspection at the Civic Centre and on the Folkestone and Hythe District Council's website at least 5 clear days before the meeting.

- 3.2 Where the meeting is convened at shorter notice than set out in Rule 3 (notice of meetings), copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

- 3.3 If an item is added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons or agenda has been sent out the administrator of the charity shall make each such report available to the public as soon as the report is completed and sent to trustees.

4. SUPPLY OF COPIES

- 4.1 The Charity will supply:

- i) Copies of any agenda and reports which are open to public inspection;
- ii) Copies of any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- iii) Where the administrator of the charity considers it appropriate, copies of any other documents supplied to councillors in connection with an item;

to any person on payment of a charge for postage and any other costs including copying and administration costs. All relevant documentation will be available from the Council's website free of charge.

5. ACCESS TO DOCUMENTS AFTER MEETINGS

5.1 The Charity will make copies of the following documents available for six years after a meeting:

- i) The minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose confidential information;
- ii) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- iii) The agenda for the meeting; and
- iv) Reports relating to items when the meeting was open to the public.

6. BACKGROUND PAPERS

6.1 Background Papers

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- i) Disclose any facts or matters on which the report or an important part of the report is based; and
- ii) Which have been relied on to a material extent in preparing the report but will not include in such a list published works or those which disclose confidential information (as defined in Rule 9).

6.2 **Public Inspection of Background Papers**

The Charity will make available for inspection for four years after the date of the meeting one copy of each of the documents on the list of background.

7. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

7.1 Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

8. DISTURBANCE BY PUBLIC

8.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

8.2 Clearance of part of meeting room or adjournment

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared, or may adjourn the meeting for as long as he deems necessary.

9. Recording Meetings

While a meeting is open to the public any person is permitted to report on the meeting. For these purposes report means filming, photographing or making audio recordings of proceedings at the meeting; using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later or reporting or providing commentary on proceedings at the meeting orally or in writing.